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REMARKS

The Final Office Action notes that claims 1-20 are pending in the referenced application and that claims 1-13 and 17-20 are rejected. In view of the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

**I. REJECTION OF CLAIMS 1-38 UNDER 35 U.S.C. § 102**

Claims 1, 5, 9, 10, 12, and 20 stand rejected as being anticipated by Bray (US Patent No. 6,166,780, issued on December 26, 2000). Applicants respectfully traverse.

Bray fails to disclose a downstream receiver. Bray discloses a device for analyzing and filtering a closed caption signal. Bray strips words or phrases from the closed caption signal without affecting the video image signal. For example, Figure 1 and col. 3, lines 20-56 of Bray, indicate that a microprocessor intercepts offensive words from the closed caption signal and transmits the adjusted closed captioned signal to an onscreen display ("OSD"). The adjusted OSD is then added to the video signal and transmitted to the receiver's screen.

In contrast, the Applicants disclose a method and computer readable medium that resolve a conflict between two devices capable of interpreting the embedded portion of a television signal. The method and computer readable medium adjust an embedded portion of a television signal such that a downstream receiver does not change the video display in view of the adjusted embedded signal. Each of the Applicants' independent claims recited this feature. For example, the Applicants' claim 1 recites:

"Method for adjusting an embedded portion of a television signal comprising:

receiving the television signal having the embedded portion;  
detecting the embedded portion of the television signal; and

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adjusting the embedded portion, where a downstream receiver is prevented from processing the adjusted embedded portion." (Emphasis added).

Applicants' independent claim 20 recites:

"A computer readable medium storing a software program that, when executed by a computer, causes the computer to perform a method comprising:

receiving a television signal having an embedded portion;  
detecting said embedded portion of said television signal; and  
adjusting said embedded portion, where a downstream receiver is prevented from processing the adjusted embedded portion." (Emphasis added).

Specifically, the Applicants' invention receives a television signal having an embedded portion. Upon detection of the embedded portion, a processor adjusts the embedded portion so that a downstream receiver (e.g., a television receiver) is prevented from processing the adjusted embedded portion of the television signal. Thus, only one of the two devices interprets the embedded information. The television signal is then sent downstream to the television receiver.

Bray acts as an intermediary device which filters out unwanted closed caption material. There is no downstream receiver disclosed in Bray. Thus, Bray does not teach each and every element of the Applicants' invention.

In the Final Office Action, regarding the Examiner's assertion that Bray prevents a downstream receiver from processing the embedded portion of the television signal, the Applicants direct the Examiner's attention to FIG. 1 of Bray. This figure shows video and audio inputs and outputs (10, 12, 14, 30, 32, 34, 36). There is no downstream receiver disclosed in Bray. In fact, a closer reading of Bray implies that once a television signal is received, the system of Bray acts on that signal and only displays it on the receiver's screen. Thus, there is only one receiver. This passage is displayed below for the Examiner's convenience:

"Another object of the invention is to mute unacceptable words or phrases at the time of a broadcast of a television signal or at the time when a signal has been received from a storage device such as a video cassette recorder. The processing time in which to analyze the closed caption portion of the video signal

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is minimal. Thus, the muting affect will occur at or near the time in which the video portion of the signal is displayed on the receiver's screen." (Bray, col. 2, lines 26-34)

In contrast, Applicants' invention is directed to receiving a television signal having an embedded portion and adjusting the embedded portion such that a downstream receiver is prevented from processing the adjusted embedded portion. This concept is embodied in independent claims 1, 18, 19, and 20. Applicants invite the Examiner to point out where, exactly, a down stream receiver is taught or suggested in Bray.

Applicants note that there is another major distinction between Bray and the invention as claimed. The system of Bray does not prevent further processing of an embedded portion of a television signal. Bray does not perform further processing on an embedded signal because the system of Bray is incapable of doing so. Bray sends its output to a simple display device which cannot further process an embedded portion of a television signal. Failing to further process the embedded signal does not mean that equipment further downstream is prevented from processing the adjusted embedded portion. Thus, the disclosure of Bray, in addition to failing to teach a downstream receiver, fails to contemplate that further processing of an embedded portion of a television signal would be prevented.

At least for the reasons given above, independent claims 1 and 20 are not anticipated by Bray. Further, dependent claims 5, 9, 10, and 12 (which depend either directly or indirectly from independent claim 1) are not anticipated by Bray at least for their dependency upon independent claim 1. As such, the Applicants request reconsideration and withdrawal of the 35 U.S.C §102(e) rejection of claims 1, 5, 9, 10, 12, and 20.

## II. REJECTION OF CLAIMS 1-38 UNDER 35 U.S.C. § 103

Claims 2-4, 8, 11, 13, 16, 17 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bray; and claims 6, 7, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bray in view of Bestler et al. (U.S. Patent No. 5,638,112 issued June 10, 1997) ("Bestler"). The rejection is respectfully traversed.

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**Claims 2-4, 8, 11, 13, 16, 17 and 19**

The arguments presented above with respect to Bray are applicable with respect to the instant rejection. As such, and for brevity those arguments are incorporated into this section and will not be repeated in as great a detail. In addition, Bray addresses a different problem than the problem addressed by the Applicants. Specifically, Bray removes unwanted closed caption material from a video signal before the television receiver displays the closed captioned material.

Applicants' claim 1 as presented above recites a method which prevents a television receiver from processing an adjusted embedded portion of the television signal. Likewise, Applicants' claim 19 recites a system which contains similar features. Specifically, Applicants' claim 19 recites:

A system for preventing a conflict in displayed video among a plurality of receivers comprising:

a first receiver for receiving the television signal and adjusting the embedded portion of the television signal; and

a second receiver, coupled downstream from said first receiver, for decoding the embedded portion adjusted by said first receiver, where said second receiver is prevented from processing the adjusted embedded portion.

However, Bray does not disclose a downstream receiver as recited in claim 1 or a second receiver as recited in claim 19 and provides no suggestion to do so. Bray is missing an essential element of Applicants' invention and there is no teaching or suggestion in Bray of this essential element of Applicants' invention.

Thus, the Applicants submit that Bray does not render the Applicants' claims 1 and 19 obvious. Furthermore, claims 2-4, 8, 11, 13, 16, and 17 depend either directly or indirectly from independent claim 1 and recites similar features thereof. As such, and for at least the same reasons as discussed above, the Applicants submit that claims 2-4, 8, 11, 13, 16, and 17 are also not obvious and fully satisfied the requirements under 35 U.S.C. §103. Therefore, the Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of these claims.

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**Claims 6, 7, and 18**

Claims 6, 7, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bray in view of Bestler. The rejection is respectfully traversed.

The arguments presented above with respect to Bray are applicable with respect to the instant rejection. The addition of Bestler does not correct the shortcomings of Bray.

As indicated above, Applicants' claim 1 recites a method which prevents a television receiver from processing an adjusted embedded portion of the television signal. Likewise, Applicants' claim 18 recites:

An apparatus for adjusting an embedded portion of a television signal comprising:

a demodulator for demodulating a received television signal to a baseband television signal comprising an embedded portion; and

a processor, coupled to said demodulator, for detecting and adjusting said embedded portion of said baseband television signal, where a downstream receiver is prevented from processing the adjusted embedded portion.

Applicants' claims 1 and 18 recite an embedded portion of a television signal which has been adjusted such that the adjusted signal is prevented from being processed by a downstream receiver. Further, dependent claims 6 and 7 contain the features of their independent base claim (independent claim 1).

Bestler is silent with respect to the adjustment of an embedded portion of a television signal where the adjusted signal is prevented from being processed by a downstream receiver. Further, Bray addresses a different problem from the problem that Applicants' invention addresses. As such, the Applicants respectfully submit that neither Bray nor Bestler either individually or in any reasonable combination render the Applicants' invention obvious.

Thus, the Applicants submit that claims 6 and 7 (which depend upon nonobvious claim 1 and recite additional features therefor); and claim 18 are not obvious and fully satisfy the requirements under 35 U.S.C. §103. Therefore, the Applicants respectfully request reconsideration and withdrawal of the obviousness rejection.

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### III. ALLOWABLE SUBJECT MATTER

The Examiner has objected to claims 14 and 15 as being dependent upon a rejected base claim. The Examiner concludes that these claims would be allowable subject matter if rewritten in independent form to include all of the limitations of their base claim and any intervening claims.

The Applicants thank the Examiner for indicating allowable subject matter with respect to these claims. However, in view of the arguments set forth herein, the Applicants believe that independent claim 1 (and all intervening claims) is in allowable form and, as such, the defendant claims 14 and 15, as they stand, are therefore in allowable condition. Therefore, the Applicants respectfully request reconsideration and withdrawal of the objection to claims 14 and 15.

### Conclusion

Thus, the Applicants submit that all of the claims now fully satisfy the requirements of 35 U.S.C. §102 and 35 U.S.C. §103. Consequently, the Applicants believe that all of the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

4/26/04

  
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